

Table 1
Final Statement of Reasons
Response to Comment
Sections 125
Title 14, CCR
Commercial Rock Crag Regulations
(C=Comment)

Writer/Speaker Organization	Summary of Comment	Department Response	Revision Needed	Section Number
J. Kevin McCeney Goleta, CA Letter dated 27 Oct. 2003	C-1 Other commercial fishermen and I have been pushing for limited entry in the crab fishery. We think limited entry is a prudent action for this fishery.	Noted: This proposed regulation would create a rock crab permit and establish a control date. A control date announces to all current and potential fishery participants that at a future date a restricted access program will be considered for this fishery and that participation after the control date may not qualify for the restricted access program. The Department does not want to develop a restricted access fishery without statewide industry participation and a full analysis of capacity goal and existing data.	No	125(a)
	C-2 We think that there needs to be transferability. The Magnuson Act requires accessibility. And transferability fulfills that requirement.	Noted: Please see response to Comment 1 above.	No	NA
	C-3 There needs to be a provision for the 20-year fishermen.	Noted: Because the Department is not creating a new limited access program with this proposed regulation the 20-year provision (FGC Section 8101, "grandfather clause") is not applicable at this time. This clause will be considered if and when this fishery becomes limited access.	No	NA
	C-4 Include in these proposed regulations a provision that deals with stray traps.	Reject: Regulations regarding trap design specifications and trap deployment are found in Fish and Game Code (FGC Sections 9000-9011) and can only be amended by the state legislature.	No	NA
	C-5 Extend the pull period from 4 days to 7 days.	Reject: Please see response to Comment 4 above.	No	NA
	C-6	Reject: Please see response to Comment 4 above.	No	NA

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	Change the escape port requirement in 2 inch by 4 inch wire traps. The required 3.2 inch escape ring is smaller the wire mesh. There isn't a crab that uses this port when they can walk right through the wire.			
	C-7 Considering we just got hammered on marine reserves with no mitigation could you make the permit the fee \$50?	Reject: Funding will be required in order to implement the proposed permit system, track fishery landings, enforce the new regulations, staff appeal hearings, and review the program to determine if any modifications are needed. Based on estimates provided by the Department's Marine Region and License and Revenue and Enforcement Branches, minimum annual costs of the program may be estimated at \$110,000. If all of the 170 individuals, that are estimated to initially qualify for this permit, decide to purchase a permit at the recommended cost of \$ 250.00 approximately \$42,500.00 of revenue will be generated for the Department. This will be far below the projected estimate of \$110,000 needed to administer this permit program per year. However, an additional \$55,250 of revenue to the Department would be generated per year from other fees qualified individuals would also be required to purchase [i.e. Commercial License (\$90), General Trap Permit (\$35), and Commercial Boat Registration (\$200)]. While the total revenue generated from the annual rock crab trap permit and other required fees would total \$97,750 annually to the Department, the funds generated by the Commercial License, General Trap Permit, and Commercial Boat Registration fees may be previously committed to fund other mandated Department activities	No	125(c)
Hal Haywood Laguna Beach, CA Letter dated 29 Oct. 2003	C-8 Is qualified for rock crab trap permit under requirements stated in proposed regulations and would like to continue to participate in this fishery. Will submit any pertinent information as required by Commission.	Noted: If adopted by the Commission these regulations are expected to become effective on February 28, 2004. The commercial rock crab trap application form, DFG 1324 (9/03) would be available to interested individuals shortly after this effective date.	No	125(d)
Philip Beguhl Santa Barbara, CA	C-9 The majority of rock crab trap	Noted: Please see response to Comment 1above.	No	125(a)

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Letter received by Commission 31 Oct. 2003	fishermen are in favor of the establishment of a restricted access rock crab permit.			
	C-10 The preferred minimum landing qualification of at least 1,000 pounds of rock crab during any single year during the 1998 through 2002 time period.	Accept. The Department agrees with this comment. A minimum landing requirement of 1000 pounds of rock crab utilizing trap gear during any one calendar year from 1998 through 2002 would qualify all individuals who most likely have a significant portion of their income derived from this fishery, have a significant investment in the fishery, and have made numerous landings each year in the recent past. This option also allows for individuals that have not fished for rock crab on a regular basis, but appear to have targeted rock crabs in at least one of the five years during the qualifying period, to be eligible for a permit. However, those that would be excluded based on the proposed minimum landing requirements landed less than 1,000 pounds in any single year from 1998 through 2002. This represents an annual ex-vessel value of approximately \$1,300 for one year. It is thought that since these individuals do not derive a significant portion of their income from this fishery, the economic impact would not be significant. These qualifying criteria were also used in proposed legislation for this fishery prepared by representatives of the southern California rock crab trap fishing industry.	No	125(b)(3)
	C-11 Set Control date of January 1, 2000 to avoid speculation by those hearing of the pending moratorium.	Reject: The Department recommends that the Commission adopt a Control Date of January 1, 2003. January 1, 2003 is the preferred alternative for a control date because it is the date that FGC Section 8282(c) went in effect giving the Commission regulatory authority over the rock crab resource, and that it coincides with the time period for establishing minimum landing qualifications in this regulatory proposal. Both Department and fishery representatives agree that the period 1998-2002 was a reasonable definition of "recent" effort.	No	125(h)
	C-12 A moratorium on the issuance of new permits after October 31, 2004.	Accept. The Department agrees with this comment. There is growing concern that the fishery has reached its capacity in southern port areas. With reduced quotas and seasons and the further development of restrictive access in the groundfish fisheries, the proposed moratorium on the issuance of new permits	No	125(e)(1)

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		after October 31, 2004 is needed to prevent overcapitalization of the remaining open access fishery.		
	C-13 Support permit cost of up to \$250 per year.	Accept. The Department agrees with this comment. Please see response to Comment 7 above.	No	125(c)
	C-14 We request the adoption of a key element of this restricted access program missing from the DFG regulation proposal. This being that the rock crab trap permit be transferable, upon payment of a \$1,000.00 transfer fee to the Department.	Reject: Please see response to Comment 2 above.	No	NA
	C-15 The transferability aspect of the rock crab trap permit can easily be implemented within the restricted access policy (6.1) of the Commission.	Noted: Please see response to Comment 2 above.	No	NA
	C-16 Under the "20-year fisherman law" qualification for a rock crab trap permit should be lower for this class of fisherman possibly (500 lbs. over any one year 1998-2002)	Noted: Please see response to Comment 3 above.	No	NA
Chris Miller Santa Barbara, CA E-mail dated 16 Nov. 2003	C-17 Agree with the basic premise of setting a control date. However, in talking to a wide variety of fishermen I have found that there was fear and resistance to DFG opening the door for landing requirement planning at this time.	Noted: The Department is concerned that if a permit system with qualifying criteria is not adopted for the rock crab trap fishery, fishing effort will continue to increase, and harvest levels may not be sustainable. At a minimum, the economic viability of the fishery for those with long-term vested interests will decrease due to an increased number of participants.	No	NA
	C-18 Establish a crab permit this year 2003.	Accept: The Department agrees with this comment. Not creating a specific permit for this fishery means the Department must continue to rely on landings to determine the number of actual participants. Landings data alone do not provide accurate information about how	No	125(a)

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		many fisherman may be interested in pursuing the fishery full- time or part-time, or which landings of rock crab are incidental landings made while fishing for another target species. A \$35.00 general trap permit is the current requirement to trap rock crab. Although it identifies the gear type the fisherman intends to use, it does not identify the target species. The existing trap permit fee and landing tax do not provide adequate reimbursement for the expenditures required to adequately protect and maintain a marine resource and associated fishery.		
	C-19 Control date with a moratorium on permits this year.	Accept: Please see response to Comment 1 and Comment 12 above.	No	125(e)(1), 125(h)
	C20 Develop area based analysis of effort in each Biological Region as joint project of DFG and Fisheries organizations.	Noted: This is a good suggestion, although not relevant to this proposed regulation. The Department will want to work closely with fishery organizations to gather the necessary biological and economic information to determine a reasonable capacity goal for the rock crab fishery.	No	NA
	C-21 Coordinate Joint Fisheries and Scientists modeling of fishery monitoring needs in 2004.	Noted: This regulatory proposal does not address the methods or procedures that will be used to by the Department to monitor and assess the rock crab fishery. However, it is Department policy to engage in cooperative research programs with other agencies, organizations, and individuals concerned with resource management issues.	No	NA
	C-22 Establish base line budget for monitoring program and funding options 2005.	Noted: The Department's Marine Region and License and Revenue and Enforcement Branches have prepared a cost estimate for implementation of the rock crab trap permit program (see Final Statement). This cost estimate includes activities such as monitoring landings, policy review and oversight, and initial development of data sources and analysis which may be used for future assessment and restricted access programs.	No	NA
	C-23 Adaptive management plan with restricted access program 2006.	Noted: This regulation does not address whether a fisheries management plan is needed for the rock crab trap fishery or establish a timetable for creating a restricted access program. Please see response to Comment 1 above.	No	NA
Bob Love Ventura, CA E-mail dated 3 Dec	C-24 I see no reference that would let lobster permittees continue to take	Accept: The Department agrees with this comment. Section 125(a) will be revised so as to not conflict with FGC Section 8250.5 which allows for the incidental take of rock crabs caught in lobster	Yes	123(a)

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2003	incidental rock crab as has been accepted practice for decades.... I believe a simple statement included in the new proposed regulations exempting lobster permittees is deserved and would greatly clarify the fishery description.	traps.		
	C-25 I am concerned that many low impact crab fishermen like myself will be excluded from taking small amounts of rock crab to use in niche markets thereby exerting upward pressure on the ex-vessel price of crab.	Noted: Please see response to Comment 10.	No	NA
	C-26 I feel that basing the qualifications for a rock crab permit on only the Cancer sp. (instead of the general definition of crab - excluding Dungeness) is excessively narrow. Low impact fisherman, such as myself need some flexibility in licensing to obtain products such as rock crab, Spider crab, Kellet's Whelk, and Octopus.	Noted: As the commercial rock crab fishery is one of the last major open-access commercial fisheries in California, members of rock crab trap industry have encouraged the Department and the Commission to move toward restricting future access to this fishery. Acting on this concern the legislature amended FGC Section 8282 to give the Commission authority to adopt regulations to manage the commercial rock crab fishery. This proposed regulation does not address the commercial take of spider crab, Kellet's whelk, and octopus.	No	125(3)